

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action against
TIMOTHY CHRISTOPHER SCANNELL,
a Minnesota Attorney,
Registration No. 326525.

**PETITION FOR
DISCIPLINARY ACTION**

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

The Director of the Office of Lawyers Professional Responsibility, hereinafter Director, files this petition upon the parties' agreement pursuant to Rules 10(a) and 12(a), Rules on Lawyers Professional Responsibility. The Director alleges:

The above-named attorney, hereinafter respondent, was admitted to practice law in Minnesota on May 29, 2003. Respondent last practiced law in Grand Marais, Minnesota.

Respondent has committed the following unprofessional conduct warranting public discipline:

1. At all times material, respondent was Cook County Attorney.

FIRST COUNT

Criminal Sexual Conduct

2. On October 31, 2013, respondent was charged with two counts of criminal sexual conduct in the 4th degree, in violation of Minnesota Statutes 609.345. These offenses are felonies.

3. After a jury trial, on July 25, 2014, respondent was found guilty on both counts.

4. On September 26, 2014, respondent was sentenced to 30 days incarceration, 10 years of probation, and 10 years of registration as a sex offender.

5. Respondent's criminal conduct violated Rule 8.4(b), Minnesota Rules of Professional Conduct (MRPC).

SECOND COUNT

State v. McClure and State v. Johnson Matters

6. In October of 2013 respondent was the prosecutor in multiple matters venued in Cook County, including *State v. McClure*, Court File No. 16-CR-13-304, and *State v. Johnson*, Court File No. 16-CR-13-90.

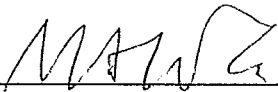
7. On or about October 14, 2013, while those matters were pending, respondent posted a blog on his website, www.timscannel.com (Exhibit 1). In that post respondent stated, among other things:

- I have no respect for anyone who refuses to pull his own weight and pay his (or her) fair share. Putting the burden of paying for the public infrastructure on your neighbors is lame; it ranks low on my list of distasteful human behaviors.
- This rich obnoxious manipulative defendant
- Somehow none of this stuff sinks in with this guy. Maybe it's because he's an ass.
- So, my today: A couple of self-absorbed, entitled wealthy older men who think the world should bow to their whims and desires. Lesson: If you want to put up with a lot of shit, become a prosecutor, because you'll get to deal with assholes every day of the week.

8. Respondent's conduct in making derogatory statements about criminal defendants in matters he was prosecuting while those matters were pending violated Rules 3.6(a) and 8.4(d), MRPC.

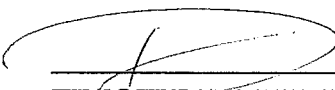
WHEREFORE, the Director respectfully prays for an order of this Court imposing appropriate discipline, awarding costs and disbursements pursuant to the Rules on Lawyers Professional Responsibility, and for such other, further or different relief as may be just and proper.

Dated: October 30, 2014.



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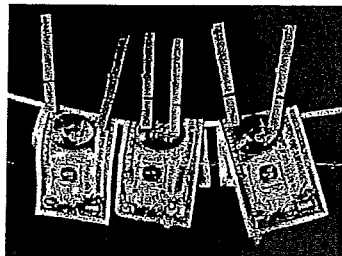
timscannell

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Prosecuting Today

10/14/2013

1 Comment



Today, I had a discussion with a defense attorney regarding a defendant who set up an LLC in Montana to avoid paying vehicle and registration taxes here in Minnesota. Before I even charged this defendant, I gave him an opportunity to avoid prosecution -- in essence I offered him a continuance for dismissal -- if he would only pay the taxes in question and properly register his vehicles, which have never

been to Montana.

Instead, this self-described upstanding member of the community refused to pay, claimed that he had the right to avoid taxes, and told me that I've always been too liberal. Then he told the judge that the County Attorney's Office wasn't polite to him -- because we wouldn't dismiss the charges outright, disagreed with his analysis of the law, and told to go get an attorney. But, you know, we're supposed to be polite to the people who won't get a lawyer, won't admit their wrongdoing, and waste our limited time justifying their plans to avoid paying taxes, like everyone else has to pay. We have to be polite every time they call and berate us, as we try to help them help themselves, as they waste our work day on their effort to justify their bad behaviors. I have no respect for anyone who refuses to pull his own weight and pay his (or her) fair share. Putting the burden of paying for the public infrastructure on your neighbors is lame; it ranks low on my list of distasteful human behaviors.

I also had the good fortune today to speak and email with another similar-minded self-absorbed defendant, a surgeon from Edina, Minnesota, a guy with cash who doesn't want to have to comply with the local septic ordinance. After years of failing to take fix his system, he now faces a slew of misdemeanor charges for his failure to do what the state and the county require everyone to do in the effort to protect the watershed district of Lake Superior. Protecting Lake Superior seems like something we should all be able to agree on, don't you think? But not this guy; he thinks he should get a break from the rules for some reason. Sure his rationale is thin, but he makes up for that sketchiness with his volume (both the number of angry words he spews and stridency with which those words are spewed). He wrote this today, and mistakenly sent it to me, bless his entitled self-absorbed heart:

The prosecutor "says not so fast, I still need to appear in court or he will issue a warrant for my arrest and that I should have legal representation. He sounded very serious, and I take him at his word. I can now understand why a victimized citizen shot him. More adverse publicity would undoubtedly lessen his chances for reelection." Because, you know how people doing their jobs make you want to shoot them. And isn't obvious that getting shot by a criminal -- a guy who preyed on 14 and 15 year old girls for years -- just

Author


Tim Scannell, a poet, story and essay writer, tennis player and runner, photographer who prefers the edges of things, where literal minds seldom stray.

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
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naturally leads to bad publicity for the person who locks him up. And finally, well the shooter, well he's obviously a poor victimized citizen. That makes sense -- if you have your head buried deeply where the sun doesn't shine.

This rich obnoxious manipulative defendant also claims to be an upstanding member of the community. His only problem is that he: (i) has been in non-compliance for years; changes his "site plan" every time we have a court date; refuses to submit in a "plan" that even remotely complies with the ordinance; has been told endlessly that, just like everybody else in America -- even though he's a plastic surgeon from Edina -- he has to come to court when his matter is on the calendar (how galling is that! Can you even imagine the inconvenience?). And we've explained several times that I don't actually issue warrants; the court does. Somehow none of this stuff sinks in with this guy. Maybe it's because he's an ass.

So, my today: a couple of self-absorbed, entitled wealthy older men who think the world should bow to their whims and desires. Lesson: if you want to put up with a lot of shit, become a prosecutor, because you'll get to deal with assholes every day of the week.

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Comments

Gerry

10/15/2013 8:09am

The Tea Party has made this kind of behavior seem 'heroic' or 'patriotic.'
It's very sad. Very sad indeed.

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Comments

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